

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LORETTA DOWNS, *et al.*,

No. C-10-2163 EMC

Plaintiffs,

v.

**ORDER RE QUESTIONS FOR MARCH  
16, 2012 ORAL ARGUMENT**

U.S. FOODSERVICE, INC.,

Defendant.

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Plaintiffs' motion for preliminary approval of settlement is set for hearing Friday, March 16, 2012. Docket No. 50. The parties shall be prepared to discuss and present additional evidence if necessary on the following questions:

1. What is the basis for the 85%-15% split between the two funds? How many members of the class are eligible for each fund? What is the projected average recovery for class members in each fund?
2. If there is concern about retaliation, why should current employees hired after October 2010 (or is it 2011?) and those who are Nevada/Arizona Drivers be required to file a claim?
3. How should conflicts between the settlement agreement and notice as to whom objections and opt outs should be sent be resolved?

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